

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANN W. EASLEY BRYANT,

Plaintiff,

v.

No. 2:20-cv-01266-RB-SMV

WASHINGTON FEDERAL BANK, INC.
and BRENT J. BEARDALL,

Defendants.

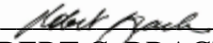
MEMORANDUM OPINION AND ORDER
DISMISSING CLAIM PURSUANT TO 18 U.S.C. § 1005 WITH PREJUDICE

THIS MATTER comes before the Court on *pro se* Plaintiff's Amended Complaint for a Civil Case, filed January 7, 2021. (Doc. 6.)

Plaintiff, who has a savings account with Defendants, alleges that Defendants' employees altered Plaintiff's withdrawals and kept Plaintiff's money from June 2015 through August 2018. Plaintiff asserts tort claims and a claim pursuant to 18 U.S.C. § 1005.

The Court dismisses with prejudice the claim pursuant to 18 U.S.C. § 1005 because this section is a criminal statute that provides criminal penalties for violations related to bank entries, reports and transactions. United States Magistrate Judge Stephan M. Vidmar previously notified Plaintiff that "[C]riminal statutes do not provide for private civil causes of action." (Doc. 5 (quoting *Kelly v. Rockefeller*, 69 F. App'x. 414, 415–16 (10th Cir. 2003)) (citing *Diamond v. Charles*, 476 U.S. 54, 64 (1986) ("a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another"))).)

IT IS SO ORDERED.



ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE